IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Date of decision :13.11.2006

Ram Chander Vs. Jai Karan and others

CORAM: **Hon'ble Mr. Justice Virender Singh**
Hon'ble Mr. Justice A.N. Jindal

Present: Mr. Arun Yadav, Advocate, for
the applicant-appellant.

Virender Singh, J.

Vide impugned judgement of learned Judicial Magistrate Ist Class, Rewari dated 31-5-2005 all the respondents-herein stand acquitted in a criminal case filed by the applicant/appellant Ram Chander. Aggrieved by the same, the appellant has preferred the instant appeal.

A miscellaneous application bearing Criminal Misc. No. 367-MA of 2006 under Section 378(4) of the Code of Criminal Procedure has also been moved for grant of special leave to appeal.

Since there is a delay of 206 days in filing the appeal, an application (Crl. Misc. No. 40451 of 2006) under Section 5 of the Limitation Act has also been moved for condonation of delay.

The allegations as depicted in the complaint are that in January 1986, Jai Karan respondent approached the applicant/complainant and told him that he could provide him bank loan. The complainant disclosed that he had no land in his name, whereupon Jai Karan told that he would manage all

the affairs. Thereafter the complainant was taken to a bank known as PLDB, Kosli. Thumb impressions of the complainant were taken on certain papers. When the complainant approached the Manager of the Bank and respondent No.3, he was told that the loan was sanctioned in his favour but the amount was disbursed to Jai Karan respondent. It is alleged that when the appellant approached respondent No.2, he stated that the amount was taken by one Shri Pinghal, Manager of the Bank. It is worth mentioning here that aforesaid Pinghal is arrayed as respondent No. 4 in the main complaint, but his name has been deleted in the memo of parties attached with the present appeal.

The amount of loan was Rs. 12,000/-. When the official of the bank approached to the appellant for repayment of the loan, a complaint was moved to the higher authorities of the Bank. The appellant alleges that thereafter he went to the concerned police station to lodge the report but to no effect and therefore, he was constrained to file the present complaint.

The learned trial Court while entering into a detailed discussion on each and every aspect of the matter has given a categoric finding that the complainant has not been able to prove any of the charges against the respondents and consequently acquitted them.

We have heard Mr. Yadav, learned counsel for the appellant and with his assistance gone through the impugned judgement minutely.

Mr. Yadav has not been able to pin-point any flaw on any count in the impugned judgement calling for our interference. We also after re-scanning the entire case once again are of the view that there is no

demonstrable perversity in the impugned judgement which would take us to have a contrary view than the one already taken by the learned trial Court.

Resultantly finding no merit in the instant appeal, Criminal Miscellaneous No. 367-MA of 2006 for special leave to appeal is declined.

Since we find no substance in the main appeal, Criminal Misc. No. 40451 of 2006, which is for condonation of delay of 206 days in filing the appeal is also dismissed.

[Virender Singh]
Judge

[A.N. Jindal]
Judge

November 13, 2006
`ask'